



Town of Arlington
Department of Health and Human Services
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**Board of Health Meeting Minutes
Wednesday, November 14, 2018
BOH Conference Room – Mural Room
Arlington Senior Center
5:30 pm**

Board Members in Attendance: Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg, Dr. Kevin Fallon

Staff in Attendance: Natasha Waden, Director of Public Health; Padraig Martin, Health Compliance Officer, Kylee Sullivan, Health Compliance Officer; Nina Shields, Public Health Associate

Others in Attendance: Jordan Weinstein, Doug Heim

Recording Secretary: Laura Munsey, Health & Human Services Office Manager

Meeting called to order by Dr. Marie Walsh Condon at 5:34 pm.

Hearing: Regulation to Ensure the Sanitary and Safe Operation of Adult-Use Marijuana Establishments and the Sale of Adult-Use Marijuana

Director Waden recapped the 10-24-18 Board of Health meeting and the recommended changes to the draft Regulations to Ensure the Sanitary and Safe Operation of Adult-Use Marijuana Establishments and the Sale of Adult-Use Marijuana. Inspector Martin incorporated into the Draft Regulations detailed recommendations from Mr. Doug Heim, Town Counsel for the Town of Arlington.

Marijuana Transports

Inspector Martin addressed the Board's previous inquiry at the 10-24-18 meeting, regarding Marijuana Transports. Inspector Martin informed the Board that Marijuana Transports may not deliver directly to consumers. Marijuana Transports can only transfer to permitted establishments. Director Waden stated that there is conflicting information and confusing definitions in the Cannabis Control Commissions (CCC) Regulations. She provided the Board with examples of conflicting statements. Aside from the confusion, Waden explained that there are strict requirements outlined by the CCC in regards to transportation of marijuana. Some examples outlined in the draft regulations include policies and procedures regarding: transportation container types and security; refrigeration for certain marijuana infused products; products weighing before transport; GPS tracking; modes of communication during transport; and transporter check-ins.

Dr. Walsh Condon asked if the Board could include a clause in the Town's Regulations that "delivery to consumers is not possible".

Natasha Waden introduced Mr. Doug Heim, Arlington Town Counsel to the Board.

Mr. Heim addressed the Board and stated that some of the confusion in the CCC's Regulations is due to multiple previous drafts Regulations and an ambitious recreational marijuana roll out plan by the State. Mr. Heim recommended that the Board continue to incorporate protective measures for the health, safety, and well-being of residents in the Regulations, while also keeping them harmonious with other Regulations.

During the Public Comment period, Mr. Jordan Weinstein stated that the Arlington Redevelopment Board (ARB) zoning bylaw prohibits retail marijuana establishments from delivery.

Co-Location

Inspector Martin addressed the Board's previous inquiry at the the 10-24-18 meeting, regarding co-location of recreational and medical marijuana. He stated that co-location cannot be prohibited, however, physical separation of the products and sales areas is required by the CCC.

Marie Walsh Condon expressed concern with difficulty establishing co-location from a business perspective, as to who can come in, who has a registration card, proof of identification, etc.

Dr. Walsh Condon stated that the Town's current Medical Marijuana Regulations prohibit entrance into a permitted establishment without a registration card. She inquired about if walls or glass partitioning of co-locations is practical, if separate entrances are possible, and if so, would this option meet fire and building code standards.

Zoning and Buffer Zones

Mr. Heim addressed questions regarding zoning and buffer zones. He provided the Board with the history of zoning within the Town and a map of the anticipated changes recommended by the ARB. He stated many Town Departments and Committees are involved in this matter, including the Marijuana Study Committee. He informed the Board that a Special Town Meeting is scheduled for December 5th regarding a zoning bylaw amendment for Medical and Recreational Marijuana Establishments. Mr. Heim stated the anticipated recommendation is to allow a maximum 500-foot buffer around public or private schools (grades K-12), a 200-foot buffer around public libraries, and 300-foot buffer around town-owned playgrounds and recreational facilities. Additionally, a Marijuana Retailer would not be able to establish with 2,000 feet of another Marijuana Retailer. It was reported that currently Medical Marijuana establishments are allowed in Zones B3 and B5. The ARB is recommending expansion to also include Zones B2 and B4. This would allow for three (3) establishments in Town. He stated this information may change or a substitute motion could be presented at the Special Town Meeting. Mr. Heim reminded the Board that the ARB zoning bylaw must be approved by 2/3 of Town Meeting.

Dr. Walsh Condon requested the Health Department further review the Model Regulations from the Massachusetts Association of Health Boards (MAHB), the Town of Belmont, and would like to seek guidance from MAHB's Cheryl Sbarra, or at a minimum have her review our Regulations prior to a vote.

Dr. Walsh Condon stated that she supports the ARB's jurisdiction over the zoning of these establishments. She stated it is the Board of Health's concern, however, as to what happens if establishments fail to limit youth access. That is a public health concern for the Board. Dr. Walsh Condon explained that she understands the zoning recommendations based on traffic and parking, but stated the Board is concerned with public health and safety. She referenced the Board of Health's Bio Medical Regulations as precedence.

The following changes were recommended for the Draft Regulations:

- Page 3, 3rd Paragraph: 2nd line - change "CNB" to "CCC"
- Page 3, 6th Paragraph: 1st line - change "Dispensary" to "Establishment"
- Add Definition of Marijuana-Infused Products (MIP)
- Define Operating Permit
- Page 5, Paragraph 2: 2nd line - change "CNB" to "CCC"
- Page 6 and 7: Fix the conflict between #11 and #19
- Page 8, # 2: Dr. Walsh Condon would like included refuse to be in an unusable form
- Page 8, # 28: The Board would like the operation hours to mirror the Medical Marijuana Dispensary operation hours
- Page 12: The Board would like to add a clause for Emergency Closure, and language regarding suspension of license, and policy regarding hearings and appeals
- The Board supported prohibiting Keno/Lottery and alcohol sales at Marijuana retailers

Mr. Doug Heim stated that he believed the Regulations to be fair and conscientious.

Public Comment

Mr. Jordan Weinstein addressed the Board, and introduced himself as a Town Meeting Member from Precinct 21 and a member of the Town's Marijuana Study Committee. He expressed interest in involvement regarding this matter, and his reasons for wanting to be on the Marijuana Study Committee. Mr. Weinstein expressed concern with the Board's Regulations potentially contradicting the ARB's zoning Regulations. He stated substitute motions may be presented at the Special Town Meeting. He cited a recent newspaper article that indicated the CFA Credit Union in Gardner, MA is

offering banking services, including credit card services, to Marijuana retailers. He informed the Board the Medical and Recreation Marijuana products have different costs for consumers. He inquired about waste and refuse of product to which Dr. Walsh Condon stated that edibles must have expiration dates. Dr. Fallon stated that other states have reported a "black market" for expired products and thus the Board would like documentation of the destruction of expired products. Mr. Weinstein inquired about the definition of "Dispensary Agent" and the Board stated all employees who work at the establishment are considered "Dispensary Agents" and all must complete CORI and SORI checks.

Meeting Adjourned at 7:37 pm.